

## **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Non-Compliant Amendment mailed on March 10, 2011. Applicants submitted an amendment document on November 3, 2011. In this Amendment, claims 1, 3, 4, 9, 42, 51, 53, 54, 56 and 61-63 have been amended. No new matter has been added. Claims 38-41 are hereby canceled. Therefore, claims 1-6, 9-14, 16-18, 42 and 49-67 are presented for examination.

### **Response To Notice of Non-Compliant Amendment**

The Patent Office issued a notice of non-compliant amendment on March 10, 2011. The notice stated that the status identifier of “not entered,” used for claims 38-41, is not one that the Patent Office accepts. Applicant respectfully disagrees. Section 714(C)(A) of the MPEP specifically lists “not entered” as an acceptable status identifier. Nevertheless, on the Examiner’s recommendation, applicant has hereby canceled claims 38-41. Accordingly, claims 38-41 now have the status identifier of “canceled.”

### **Summary of Examiner Interview**

Applicants thank the Examiner for granting an Examiner Interview on October 28, 2010. In the Examiner Interview, the applicants explained differences between the cited art and limitations of claim 1. The Examiner suggested that applicants make claim amendments clarifying distinctions between claim 1 and the cited art. The suggested claim amendments are reflected in the attached claim amendments for claims 1, 51 and 61. It was agreed that these claim amendments overcome the current rejections. However, no agreement as to

allowance of the claims was reached.

### **Objections To Specification**

The current Office Action has objected to the disclosure of the present application for containing an embedded hyperlink and/or other form of browser-executable code. The paragraph beginning at page 15, line 8 and ending at page 15, line 21 of the as filed application has been amended to remove the hyperlink. Accordingly, applicants respectfully request that the objection be withdrawn.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-6, 9-14, 16-18, 49-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton et al. (U.S. Publication No. 2001/0044840, hereinafter “Carleton”) in view of Tarun Soni (an Integrated Satellite Based Asset Management System, 1996, hereinafter “Soni”).

Claim 1 as amended recites:

A method, comprising:

accessing a port of a host system by a satellite system to monitor an external parameter of the host system for a first predetermined event related to the host system, **wherein the satellite system and the host system are connected via an intranetwork, and wherein the satellite system is inside of a firewall of the intranetwork;**

**logging into said host system by the satellite system to monitor an internal parameter of the host system for a second predetermined event related to the host system;**

transferring data about at least one of the first predetermined event or the second predetermined event from the satellite system to a monitoring operations center;

generating, by the monitoring operations center, a notification upon an occurrence of at least one of the first predetermined event or the second predetermined event to a first person in a hierarchy; and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period.

(emphasis added).

Carleton discloses a network monitor that collects status and statistics about device operation in a client network, and transmits the status and statistics to a monitoring server. (Carleton, page 3, paragraph [0050]). All status and statistics collected by the network monitor of Carleton are based on port information, and can be collected by pinging or polling networked computers. (See Carleton, paragraph [0054], lines 4-8, paragraph [0075], lines 1-25, paragraph [0087], lines 1-4, paragraph [0092], lines 1-6). The network monitor of Carleton does not log into any device to monitor internal parameters of the device. Accordingly, in a decision by the Board of Patent Appeals and Interferences dated September 9, 2009, the Board held that Carleton does not disclose a satellite system logging into a host system. Carleton therefore also fails to teach or suggest a satellite system logging into a host system to monitor an internal parameter for a predetermined event related to the host system. Nor does Carleton teach a system that monitors for both internal parameters of a host and external parameters of the host.

Soni teaches an integrated satellite based asset management system. The asset management system of Soni includes a low earth orbit satellite system that enables satellite based communication (e.g., for phones or computers). In Soni, ground based subscriber terminals provide two-way packet message communications with the satellites. Soni teaches that these terminals include ports, and that a host based user may query these ports. However, at most, such queries would provide only information about external parameters of the terminals. (See Soni, section 3.1, 3.2 and 3.4). Notably, Soni fails to teach or suggest a

satellite system that logs into a host system, whether to monitor an internal parameter of the host system or for any other purpose. Therefore, Soni fails to teach or suggest all of the limitations of claim 1 that are missing from Carleton.

Nevertheless, in the interest of advancing prosecution, applicants have amended claim 1 to further clarify distinctions between claim 1 and the combination of Carleton and Soni. The combination of Carleton and Soni fails to teach or suggest, “accessing a port of a host system by a satellite system to monitor an external parameter of the host system for a first predetermined event related to the host system, wherein the satellite system and the host system are connected via an intranetwork, and wherein the satellite system is inside of a firewall of the intranetwork,” and “logging into said host system by the satellite system to monitor an internal parameter of the host system for a second predetermined event related to the host system,” as recited in amended claim 1. Claims 51 and 61 have also been amended to include similar, though not identical, language. Accordingly, the combination of Carleton and Soni fails to teach or suggest all of the limitations of claims 1, 51 or 61, or their corresponding dependent claims. For the above reasons, applicants respectfully request that the rejection under 35 U.S.C. § 103(a) to claims 1, 51 and 61, and their dependent claims, be withdrawn.

### **Conclusion**

Applicants respectfully request the withdrawal of the rejections and submits that pending claims 1-6, 9-14, 16-18, 42 and 49-67 are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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